

### REMARKS

Claims 14, 16, 17, 19-27 and 29-32 are currently pending and stand rejected.

Claim 14 is amended herein. Now new matter has been added as a result of these amendments. Indeed, support for these amendments may be found at least at page 5, lines 12-26 and page 16, lines 1-25 of the instant Application.

Claims 20 and 21 are amended herein for clerical reasons. Accordingly, no new matter has been added as a result of these amendments.

Claim 33 is newly presented herein. No new matter has been added as a result of new Claim 33. Indeed, support for the embodiment presented in new Claim 33 may be found at least at page 5, lines 12-26 and page 16, lines 1-25 of the instant Application.

### CLAIM OBJECTIONS

The instant Office Action states:

Claims 20 and 21 are newly objected to because of the following informalities: Claim 20 is dependent upon cancelled claim 18. Appropriate correction is required. Claim 21 is objected to as being dependent upon objected Claim 20.

*Id.*, page 3, paragraph 1.

Applicants respectfully point out that Claims 20 and 21, as amended, are no longer dependent upon canceled Claim 18. Thus, in so much as Claims 20 and 21 are no longer dependent upon a canceled claim, Applicants respectfully submit that the

instant objections to Claims 20 and 21 are now moot. Accordingly, Applicants respectfully request that the aforementioned objections to Claims 20 and 21 be withdrawn.

### CLAIM REJECTIONS – 35 U.S.C. § 112

The instant Office Action states that Claims 14, 16, 17, 19-27 and 29-32 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement in view of the features:

assaying a plurality of enzymes with a sensor to determine a suite of enzymes expressed by the organism, and thus determining said organism; as recited in independent Claim 14, and similarly in dependent Claims 16, 17, 19-27 and 29-32. See the instant Office Action, page 3, paragraph 3 – page 4, paragraph 2.

Applicants respectfully point out that independent Claim 14, and similarly dependent Claims 16, 17, 19-27 and 29-32, as amended herein, no longer recites the features:

assaying a plurality of enzymes with a sensor to determine a suite of enzymes expressed by the organism, and thus determining said organism; which the Examiner finds to be unclear. Rather, it is noted that independent Claim 14, and similarly dependent Claims 16, 17, 19-27 and 29-32, as amended herein, recites:

identifying a presence of an organism using a sensor ...

It is further noted that support for these features may be found at least at page 5, lines 12-26 of the instant Application.

For at least the foregoing rationale, Applicants respectfully submit that the features recited in independent Claim 14, and similarly in dependent Claims 16, 17, 19-27 and 29-32, are described in the specification. Accordingly, Applicants respectfully submit that Claims 14, 16, 17, 19-27 and 29-32 are not unpatentable under 35 U.S.C. § 112, paragraph 1. As such, allowance of Claims 14, 16, 17, 19-27 and 29-32 is respectfully requested.

### PATENTABILITY OF CLAIMED EMBODIMENTS

With reference now to the cited art of record, Applicants respectfully submit that Claims 14, 16, 17, 19-27 and 29-33 are not unpatentable over Keyes (U.S. Patent No. 4,169,765) in view of Yamagishi et al. (U.S. Patent No. 6,730,212; hereinafter “Yamagishi”) for at least the following rationale.

It is noted that independent Claim 33, and similarly independent Claim 14, recites the features (emphasis added):

A method of organism detection, said method comprising:

...

identifying a presence of an organism associated with said enzyme based on said plurality of different products modulating an electrical resistance of a transducer.

Applicants do not find Keyes, alone or in combination with Yamagishi, to teach a “plurality of different products modulating an electrical resistance of a transducer”, as claimed.

For example, Applicants find Keyes to teach:

The sample with the oligosaccharides flows through a glucose-generating stage wherein the oligosaccharides are all reacted with immobilized glucoamylase to convert them to glucose. The glucose containing sample flows to a detection stage wherein the glucose is reacted with glucose oxidase to produce gluconic acid and hydrogen peroxide, and the hydrogen peroxide is sensed or detected in detection means.

*Id.*, column 3, lines 60-67 (emphasis added). However, Applicants do not find “produc[ing] gluconic acid and hydrogen peroxide, and the hydrogen peroxide is sensed or detected in detection means”, as taught by Keyes (emphasis added), to teach a “plurality of different products modulating an electrical resistance of a transducer”, as claimed (emphasis added).

Moreover, Applicants find Yamagishi to teach:

Any influence causing a morphological change in the conductive polymer leads to a modulation of the conductivity of such a polymer. This modulation is detected by applying a voltage and registering the change in current.

*Id.*, column 3, lines 58-61 (emphasis added). However, Applicants do not find “a morphological change in the conductive polymer leads to a modulation of the conductivity of such a polymer”, as taught by Yamagishi (emphasis added), to teach a “plurality of different products modulating an electrical resistance of a transducer”, as claimed (emphasis added).

For at least the foregoing rationale, Applicants respectfully submit that independent Claim 33, and similarly independent Claim 14, is not unpatentable over Keyes in view of Yamagishi. As such, allowance of Claims 14 and 33 is respectfully requested.

With respect to Claims 16, 17, 19-27 and 29-32, Applicants respectfully point out that Claims 16, 17, 19-27 and 29-32 depend from allowable independent Claim 14, and recite further features. Therefore, Applicants respectfully submit that Claims 16, 17, 19-27 and 29-32 are in a condition for allowance as being dependent on an allowable base claim. As such, allowance of Claims 16, 17, 19-27 and 29-32 is respectfully requested.

## CONCLUSION

In light of the above-listed remarks, reconsideration of the rejected claims is requested. Based on the amendments and arguments presented above, it is respectfully submitted that Claims 14, 16, 17, 19-27 and 29-32 overcome the rejections of record. Therefore, allowance of Claims 14, 16, 17, 19-27 and 29-32, as well as newly presented Claim 33, is respectfully solicited.

Should the Examiner have a question regarding the instant Response, Applicants invite the Examiner to contact the Applicants' undersigned representative at the below-listed telephone number.

The foregoing notwithstanding, kindly note that the Commissioner is hereby authorized to charge any additional fees which may be required or credit overpayment to Deposit Account No. 12-0415. In particular, if this response is not timely filed, then the Commissioner is hereby authorized to treat this response as including a petition to extend the time period for response, pursuant to 37 CFR 1.136(a), said petition requesting an extension of time of the number of months available to allow this response to be timely filed, and the petition fee due in connection therewith may be charged to Deposit Account No. 12-0415.

Respectfully submitted,

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